

Serial No. 10/087,205
Response to Office Action dated January 6, 2009

Remarks

The applicant provides the following remarks in response to the non-final Office Action bearing a mailing date of January 6, 2009. Claims 1, 8, 15, and 16 are currently amended, and no claims are currently cancelled. Claims 1-16 are currently pending. The applicant respectfully requests withdrawal of the pending rejections in light of the foregoing amendments and the following remarks.

1. Claims 1-4, 6-10, and 12-16

Claims 1-4, 6-10, and 12-16 stand rejected as being obvious over Campbell et al. (U.S. Patent Pub. No. 2005/0137530, "Campbell") and further in view of Malave et al. (U.S. Patent Pub. No. 2002/0193679, "Malave"). The applicant respectfully traverses this rejection for at least the reasons herein, and does not concede any characterizations of the pending application or the cited references set forth in the Office Action.

a. Pending Claims

As amended, all of the pending claims recite that the banner comprises, "substantially freely-editable, patient-identifying content." These amendments are supported by at least the disclosures found on Figures 2 and 30E; page 11, lines 10-19; and page 85, line 13-page 86, line 8. Additionally, these amendments are not intended to add limitations to the claims or otherwise narrow the scope of the claims. Rather, the amendments are intended to clarify the originally intended scope of the claims.

b. Hindsight

In setting for the pending rejections, the Office Action merely catalogs elements from Malave and Campbell and fails to explain why one skilled in the art would know to combine the

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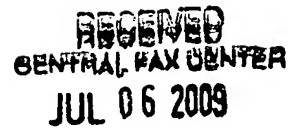
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references at the time the claimed invention was conceived or how the combined teachings would result in the claimed combination of elements. For the rejection of each of the independent claims, the office action then concludes, "One would have been motivated to make such a combination because a customizable banner of the user's choice for personal identification purposes would have been obtained, as taught by Malave." Office Action, page 3 (rejection of independent claims 1 and 15), page 4 (rejection of independent claim 8), pages 6-7 (rejection of independent claim 16). A customizable banner of the user's choice is the teaching of the pending specification, not the cited reference. This repeated conclusion suggests the use of hindsight in combining the references.

Therefore, the applicant respectfully submits the rejections are based on hindsight and that the office action does not set forth a prima facie case of obviousness. The applicant requests withdrawal of the pending rejections.

c. Cited References

Even if the rejections are not based on hindsight, neither Campbell nor Malave discloses "substantially freely-editable, patient-identifying content" as recited in the pending claims. Campbell discloses a number of user interface screens including a status screen that displays the status of various pump functions and parameters. Campbell does not disclose any screen that displays a banner that was freely editable by a user or that identifies a patient. Additionally, while Malave does disclose patient-identifying content (e.g., in Figure 13), the data is predefined and is not freely editable. In Figure 13, for example, the data in one field is disclosed to be the patient's first name and the data in another field is disclosed to be the patient's last name. Malave does not disclose a freely-editable field in which the user can enter a character string



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such as "Mary's Pump," which is disclosed in Figure 2 of the pending application as an illustrative example of the pending claims.

Therefore, no combination of the cited references can result in the claimed combination of elements. The applicant respectfully submits the pending claims are not obvious over Campbell in view of Malave and requests withdrawal of the pending rejection.

2. Claims 5 and 11

Claims 5 and 11 stand rejected as being obvious over Campbell, Malave, and further in view of Estes et al. (U.S. Patent Pub. No. 2003/0114836, "Estes"). The applicant respectfully traverses this rejection and does not concede any characterizations of the pending application or the cited references set forth in the Office Action.

Claim 5 depends from claim 1, and claim 11 depends from claim 8. Each of these claims therefore also requires generation and display on a pump of a banner including substantially freely-editable, patient-identifying information. As discussed above, neither Campbell nor Malave discloses such an element. Estes also fails to disclose this element. Estes illustrates, without explanation, inclusion of facility and physician information into predefined fields of a patient record. Estes fails to disclose either substantially freely-editable fields, or display of a banner including patient-identifying information as recited in the claims.

Conclusion

For at least these reasons, the applicant requests allowance of the pending claims and advancement of this application to issuance. The applicant notes that there may be additional

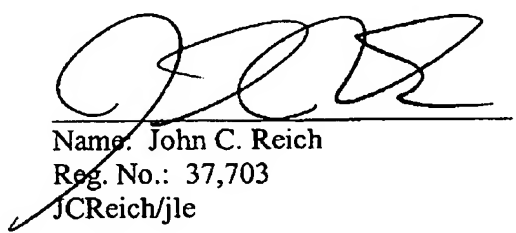
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reasons and arguments in support of patentability for the pending claims, and the applicant reserves the right to raise any such reason in the future.

Please call the undersigned attorney if there are any questions or if it would be helpful to discuss any issues during the examination of this application.

Respectfully submitted,
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